

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-cv-00092-RLV
(5:99-cr-00012-RLV-6)

FLOYD JUNIOR POWELL,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of Petitioner's motion for recusal which he filed pro se pursuant to 28 U.S.C. § 455.

On November 12, 1999, Petitioner was convicted in this District following a jury trial on one count of conspiracy to possess with intent to distribute cocaine and cocaine base, in violation of 21 U.S.C. § 846 (Count One); and one count of possession with intent to distribute cocaine base, and aiding and abetting the same, in violation of 21 U.S.C. § 841(a)(1) & 18 U.S.C. § 2 (Count Seven). Petitioner was sentenced to concurrent terms of 240-months' imprisonment. (5:99-cr-00012, Doc. No. 296). Petitioner's judgment was affirmed in all respects on appeal. United States v. Powell, 38 F. App'x 140 (4th Cir.) (unpublished), cert. denied, 536 U.S. 912 (2002).

On November 4, 2002, Petitioner filed a § 2255 motion, which was dismissed on the merits and this disposition was affirmed on appeal. United States v. Powell, No. 5:02-CV-00138-RLV (W.D.N.C. Dec. 2, 2004), dismissed, 175 F. App'x 637 (4th Cir. 2006) (unpublished). Petitioner later filed several other motions for relief from his judgment in this District and each

motion was dismissed as an unauthorized, successive § 2255 motion. See (Civil Case Nos. 5:05-CV-00014-RLV, 5:12-CV-108-RJC, 5:13-CV-30-RLV, 5:14-CV-94-RLV; 5:14-CV-00007-RLV; 5:14-CV-00094).

On August 11, 2015, the Court dismissed the § 2255 motion to vacate in this case after finding that it was yet another unauthorized, successive petition. Petitioner's motion for recusal was signed on September 10, 2015, and filed with the Court on September 18, 2015. Because Petitioner's § 2255 motion had already been dismissed prior to his filing of the motion for recusal the Court finds that Petitioner's motion is moot.

IT IS, THEREFORE, ORDERED that Petitioner's motion for recusal is **DISMISSED as moot**. (Doc. No. 6).

SO ORDERED.

Signed: January 19, 2016



Richard L. Voorhees
United States District Judge

